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**APR 02 2005**

# Fax

To: Mail Stop AMENDMENT  
Examiner James C. Kerveros

From: Mikio Ishimaru

Fax: (703) 872-9306  
TC 2133 - Before Final

Pages: 15, including this page

Phone: 571-272-3824

Date: April 2, 2005

Re: U.S. Patent Application Serial  
No. 09/704,888

Atty Docket no.: 21-005

☒ Response/Amendment to Office Action

☐ Information

☐ Other


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Signature

Vickie Ishimaru

Typed or printed name of person signing Certificate

With reference to serial number 09/704,888, the following are being submitted:

- Fax Cover Sheet with Certificate of Transmission
- Transmittal for Enclosures
- Response/Amendment

Docket No.: 21-005

**PATENT**

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Richard C. Jaworski et al.

: Confirmation No.: 4649

Serial No.: 09/704,888

: Examiner: James C. Kerveros

Filed: Nov 1, 2000

: Group Art Unit: 2133

For: System and Method for Testing the  
Upstream Channel of a Cable Network

TRANSMITTAL FOR ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Response / Amendment	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> After Final	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Affidavits/Declaration(s)	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Information Disclosure Statement, PTO Form-1449, & cited Reference(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	• Fax Cover Sheet with Certificate of Transmission
<input type="checkbox"/> Response to Missing Parts/Incomplete Application	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	Remarks	

The fee, if required, has been calculated as shown below:

	NO. OF CLAIMS	HIGHEST PREVIOUSLY PAID FOR	EXTRA CLAIMS	RATE	FEE
Total Claims	34	35	0	x \$25 =	\$ 0.00
Independent Claims	5	5	0	x \$100 =	\$ 0.00
If multiple claims newly presented, add \$150					
Fee for extension of time					
Other:					
TOTAL FEE					\$0.00

- ☐ Please charge Deposit Account No. 50-0374 in the amount of \$ 0.00. An additional copy of this transmittal sheet is submitted herewith.
- ☒ The Commissioner is hereby authorized to charge payment of any fees associated with this communication or credit any overpayment, to Deposit Account No. 50-0374, including any filing fees under 37 CFR 1.16 for presentation of extra claims and any patent application processing fees under 37 CFR 1.17.

Respectfully submitted,

*Mikio Ishimaru*

Mikio Ishimaru  
 Registration No. 27,449  
 Date: April 2, 2005

Docket No.: 21-005

**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****RECEIVED  
CENTRAL FAX CENTE  
APR 02 2005**

*In re* Application of: Richard C. Jaworski, et al. : Confirmation No.: 4649  
Serial No.: 09/704,888 : Art Unit: 2133  
Filed: 11/1/2000 : Examiner: James C.  
Kerveros  
For: System and Method for :  
Testing the Upstream  
Channel of a Cable  
Network

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE /AMENDMENT**

Sir:

The following Amendment and Remarks are submitted under 37 C.F.R. §1.111 in response to the Office Action mailed March 23, 2005, following the amendment format set forth under 37 CFR §1.121. After this introductory section, there are Amendments to the Claims and then Remarks, each starting on a separate page.

Amendments to the Claims consist of the cancellation of claim 14 and amendments for claims 1-6, which are incorporated in a complete listing of the claims.